

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

Senate Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 112

SENATE BILL 1071

AN ACT

AMENDING SECTION 12-2232, ARIZONA REVISED STATUTES; RELATING TO PRIVILEGED COMMUNICATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 12-2232, Arizona Revised Statutes, is amended to
3 read:

4 12-2232. Husband and wife; privileged communications;
5 permissible examination

6 A. A husband or wife ~~shall not~~, during the marriage or afterward,
7 without the consent of the other, SHALL NOT be examined as to any
8 communications made by one to the other during the marriage, except:

9 1. In an action for divorce or a civil action by one against the
10 other.

11 2. In a criminal action or proceeding as provided in the criminal
12 code.

13 3. In an action for damages against another person for adultery
14 committed by either husband or wife.

15 ~~4. In a hearing conducted pursuant to title 36, chapter 5. At that~~
16 ~~hearing, a husband or wife may only be examined relating to communications~~
17 ~~that relate to the matters at issue in the hearing.~~

18 B. IN A HEARING CONDUCTED PURSUANT TO TITLE 36, CHAPTER 5, A HUSBAND
19 OR WIFE, DURING THE MARRIAGE OR AFTERWARD, WITHOUT THE CONSENT OF THE OTHER,
20 MAY BE EXAMINED AS TO ANY COMMUNICATIONS, PHYSICAL ACTS OR BEHAVIORS MADE BY
21 ONE TO THE OTHER DURING THE MARRIAGE THAT RELATE TO THE MATTERS AT ISSUE IN
22 THE HEARING.

APPROVED BY THE GOVERNOR APRIL 21, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2010.